

**AMENDMENTS TO THE CLAIMS:**

Please amend claims 11 and 20 and cancel claim 19 as follows:

1. (Previously presented) A method of scheduling a quality of service level to an end user's data transmitted from a base station comprising the steps of:  
    establishing a table of the quality of service levels designated by each end user,  
    receiving at the base station requests from at least two end users for data at selected rates, for each end user,  
    determining the average data rate received by an end user during a fixed interval of time,  
    dividing an indicated rate by the average rate to obtain a result,  
    combining the result with the quality of service level designated by the user to obtain a sum, and  
    using the sum to select an end user to receive data.
2. (Original) The method of claim 1 further comprising the step of selecting the end user that has the highest sum as the receiver data.
3. (Original) The method of claim 1 further comprising the step of obtaining a sum for each end user each time there is a new transmission.
4. (Original) The method of claim 1 further comprising the step of maintaining the end user selected as the receiver of data for a designated period to the exclusion of other end users.
5. (Original) The method of claim 1 further comprising the step of selecting each end user to receive data in unequal increments.

6. (Original) The method of claim 1 further comprising the step of selecting each end user to receive data in equal increments.

7. (Original) The method of claim 1 comprising the step of providing at least two quality of service levels from which each end user can select.

8. (Original) The method of claim 1 wherein the step of determining the average data rate received by an end user is over a period of time that is less than 10 minutes.

9. (Original) The method of claim 1 wherein the step of determining the average data rate received by an end user is over a period of time that is greater than 9 minutes.

10. (Original) The method of claim 1 wherein the step of determining the average data rate received by an end user is over an active period which is greater than 30 seconds and less than 3½ minutes.

11. (Currently amended) A method of scheduling a quality of service level to an end user's data transmitted from a base station comprising the steps of  
establishing a quality of service level for each end user,  
obtaining for each end user a result based on the average data rate for amount of  
data previously sent to that end user during a specified interval of time, and  
combining, for each end user, the result with the quality of service level for each end user to obtain a sum,  
using the sum to determine the next end user to receive data.

12. (Original) The method of claim 11 wherein the result is based on the amount of data previously sent to that end user during a specific interval of time.

13. (Original) The method of claim 12 further comprising the step of including a data rate requested by the end user to obtain the result.

14. (Original) The method of claim 12 further comprising the steps of  
dividing the amount of data sent to an end user during a specific interval of time  
by that interval of time to obtain an average rate of data transmission, and  
including the average rate of data transmission to obtain the result.

15. (Original) The method of claim 14 further comprising the step of  
obtaining from the base station the data rate for transmitted data requested by an  
end user, and  
dividing the data rate requested by the end user by average rate of data  
transmission to obtain a result.

16. (Original) The method of claim 15 wherein the interval of time is greater  
than 30 seconds.

17. (Original) The method of claim 15 wherein the interval of time is less than  
10 minutes.

18. (Original) The method of claim 15 further comprising the step of  
conditioning the base station to send data to the end user determined to be the next end  
user at the requested data rate and requested quality of service level.

19. (canceled)

20. (currently amended) ~~The method of claim 19 further comprising the step of:~~

A method of scheduling a quality of service level to an end user's data transmitted  
from a base station comprising the steps of:

establishing a quality of service level for each end user;

dividing the amount of data sent to the end user during a specific interval of time  
by that interval of time to obtain an average rate of data transmission;

obtaining for each end user a result based on the amount of data previously sent to that end user and the average rate of data transmission during the specified interval of time;

combining, for each end user, the result with the quality of service level for each end user to obtain a sum;

using the sum to determine the next end user to receive data;

obtaining from the base station the data rate for transmitted data requested by an end user; and

dividing the data rate requested by the end user by average rate of data transmission to obtain a result.

21. (previously presented) The method of claim 20 wherein the interval of time is greater than 30 seconds.

22. (previously presented) The method of claim 20 wherein the interval of time is less than 10 minutes.

23. (previously presented) The method of claim 20 further comprising the step of conditioning the base station to send data to the end user determined to be the next end user at the requested data rate and requested quality of service level.